

Supplemental Amendment Dated: August 9, 2006Customer No.: 00909

Applicant: CIRONE
Serial No. 10/687,875
Filing Date: October 20, 2003
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REMARKS

Applicant submits this Supplemental Amendment in response to the July 26, 2006 Decision on Appeal (hereinafter "Decision") of the Board of Patent Appeals and Interferences (hereinafter "Board"). In response to the Decision, no claims have been cancelled, amended, or newly added. Therefore, claims 19-20 remain pending. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

NON-STATUTORY DOUBLE PATENTING REJECTION

In the Decision, at pg. 3, the Board summarily sustained the obviousness-type double patenting rejections [*see* 6/30/04 Office Action, pg. 2, ¶'s 1-2] as Applicant had previously elected not to appeal the rejections, but rather indicated that a terminal disclaimer would be filed upon the indication of allowable subject matter [*see* 1/12/05 Appeal Brief, pg. 10]. Since the remaining rejections under 35 U.S.C. § 103(a) were *not* sustained (as addressed below), Applicant is filing a terminal disclaimer herewith solely in an effort to expedite prosecution. Accordingly, withdrawal of the obviousness-type double patenting rejections is earnestly sought.

REJECTIONS UNDER 35 U.S.C. § 103

In the Decision, at pgs. 4-6, the Board did *not* sustain the rejection of claim 19 under 35 U.S.C. § 103(a) over U.S. Patent No. 4,401,245 to Zills in view of U.S. Patent No. 4,989,811 to Millis *et al.* ("Millis"). With regard to claim 20, the Board did *not* sustain the rejection under 35

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U.S.C. § 103(a) over the combination of Zills and Millis, further in view of U.S. Patent No. 5,163,608 to Block, or U.S. Patent No. 6,065,764 to Moseley [Decision, pgs. 6-7].

As such, it is respectfully submitted that the application is in condition for allowance. Notice to that effect is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: August 9, 2006

Respectfully submitted,

By:


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